

ASSEMBLY BILL

No. 1593

Introduced by Assembly Member Ma

February 6, 2012

An act to amend Section 11161.2 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1593, as introduced, Ma. Domestic violence.

Existing law requires the California Emergency Management Agency, in consultation with specified state agencies and other organizations, to establish medical forensic forms, instructions, and examination protocol for victims of domestic violence and elder and dependent adult abuse and neglect, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11161.2 of the Penal Code is amended
- 2 to read:
- 3 11161.2. (a) The Legislature finds and declares that adequate
- 4 protection of victims of domestic violence and elder and dependent
- 5 adult abuse has been hampered by lack of consistent and
- 6 comprehensive medical examinations. Enhancing examination
- 7 procedures, documentation, and evidence collection will improve
- 8 investigation and prosecution efforts.

(b) The California Emergency Management Agency shall, in cooperation with the State Department of *Public Health Services*, the Department of Aging and the ombudsman program, the State Department of Social Services, law enforcement agencies, the Department of Justice, the California Association of Crime Lab Directors, the California District Attorneys Association, the California State Sheriffs' Association, the California Medical Association, the California Police Chiefs' Association, domestic violence advocates, the California Medical Training Center, adult protective services, and other appropriate experts, *do all of the following*:

(1) Establish medical forensic forms, instructions, and examination protocol for victims of domestic violence and elder and dependent adult abuse and neglect using as a model the form and guidelines developed pursuant to Section 13823.5. The form should include, but not be limited to, a place for a notation concerning each of the following:

(A) Notification of injuries and a report of suspected domestic violence or elder or dependent adult abuse and neglect to law enforcement authorities, Adult Protective Services, or the State Long-Term Care Ombudsmen, in accordance with existing reporting procedures.

(B) Obtaining consent for the examination, treatment of injuries, collection of evidence, and photographing of injuries. Consent to treatment shall be obtained in accordance with the usual hospital policy. A victim shall be informed that he or she may refuse to consent to an examination for evidence of domestic violence and elder and dependent adult abuse and neglect, including the collection of physical evidence, but that refusal is not a ground for denial of treatment of injuries and disease, if the person wishes to obtain treatment and consents thereto.

(C) Taking a patient history of domestic violence or elder or dependent adult abuse and neglect and other relevant medical history.

(D) Performance of the physical examination for evidence of domestic violence or elder or dependent adult abuse and neglect.

(E) Collection of physical evidence of domestic violence or elder or dependent adult abuse.

(F) Collection of other medical and forensic specimens, as indicated.

1 (G) Procedures for the preservation and disposition of evidence.

2 (H) Complete documentation of medical forensic exam findings.

3 (2) Determine whether it is appropriate and forensically sound
4 to develop separate or joint forms for documentation of medical
5 forensic findings for victims of domestic violence and elder and
6 dependent adult abuse and neglect.

7 ~~(3)~~

8 (c) The forms shall become part of the patient's medical record
9 pursuant to guidelines established by the agency or agencies
10 designated by the California Emergency Management Agency
11 advisory committee and subject to the confidentiality laws
12 pertaining to release of medical forensic examination records.

13 ~~(e)~~

14 (d) The forms shall be made accessible for use on the Internet.

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